

SPECIAL BENCH - 2  
COURT - II

**O-202**

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/1178(KB)2018  
IA(I.B.C)/772(KB)2023, IA(I.B.C)/1290(KB)2023,  
IA(I.B.C)/1441(KB)2023, IA(I.B.C)/738(KB)2022,  
IA(I.B.C)/664(KB)2023, IA(I.B.C)/1120(KB)2020

**CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE  
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 04TH SEPTEMBER, 2023, 03:00 P.M**

IN THE MATTER OF	JM FINANCIAL ASSET RECONSTRUCTION COMPANY LIMITED VS ADITI HEALTH OILS PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 7

**Appearance (via video conferencing/physically)**

Mr. Vikash Singh, Adv. ... For Liquidator

Mr. Piyush Kumar, Adv.

Mr. K.K. Chapparria, Liquidator-in-Person

Mr. Pratik Ghose, Adv. ... For Applicant in IA(I.B.C)/1441(KB)2023

Mr. Avishek Roy, Adv.

Mr. Satyendra Kumar Rai, Adv. ... For Respondents in IA(I.B.C)/738(KB)2022

Ms. Shreya Choudhary, Adv. ... For the R-3 to R-5 in IA(I.B.C)/1120(KB)2020

Ms. Manju Bhuteria, Adv. .... For R-1 in IA(I.B.C)/1120(KB)2020

Mr. Kuldip Mallk, Adv.

Mr. Ajit Keshri, Adv.

**ORDER**

1. Ld. Counsel for the

**2. IA(I.B.C)/1441(KB)2023:**

a. Ld. Counsel for the applicant states that the sufficient clarifications have already been provided vide order dated 19.06.2023 in

IA(I.B.C)/1548(KB)2022 and therefore, this application has become infructuous. In view of this statement, this **IA is dismissed as infructuous.**

**3. IA(I.B.C)/772(KB)2023:**

- a. None appears for the said party and therefore nothing stands in the way of proceedings as per the para 9 of the Affidavit filed to IA 95 of 2022, the said party has admitted that a sum of Rs. 3,80,304.00 is due and payable by the Respondent in favour of the Corporate Debtor. The said paragraph is extracted herein below:

*“It is stated that from the available records, as aforesaid, it appears that as on date only a sum of Rs. 3,80,304.00 is only due and payable by the Respondent in favour of the Corporate Debtor. Accordingly, in reply to the demand of the Liquidator dated December 23, 2021 amounting to Rs. 42,13,067.00, the Chief General Manager of the Respondent vide letter No. ECSC/ICDS/1583 dated January 05, 2022 informed such fact to the Liquidator and requested him to submit the Tax Invoices, Work Order, Delivery Challan etc., if any have in his possession in support of his claim of Rs. 42,13,067.00.”*

- b. As per communication dated June 25, 2019 made by General Manager (ICDS), West Bengal Essential Commodities Supply Corporation Limited, it appears that said demand of Aditi Health Oils Private Limited could not be released and the above said amount will be released within a period of four weeks. A compliance affidavit in this regard be filed thereafter.
- c. List this matter on **13.10.2023.**

**4. IA(I.B.C)/1290(KB)2023:**

- a. This is application for placing on record the progress report. The progress report is placed at page 4 to 69 and this application is supported by an affidavit at page 70 to 72. The Progress Report is taken on record and accordingly, this **IA(I.B.C)/1290(KB)2023 is allowed and disposed of.**

**5. IA(I.B.C)/738(KB)2022:**

- a. It appears from the submissions made by the Liquidator and the Ld. Counsel for the Respondents Mother Dairy Fruits and Vegetable Private Limited that complaint was directed to be lodged by the Liquidator in regard to the theft of materials from the premises of the Corporate Debtor belonging to the Mother Dairy Fruits and Vegetable Private Limited and the Liquidator has lodged a complaint dated 07.07.2023 with the Memari Police Station giving the details

therein. Therefore, the Memari Police Station shall investigate the matter and shall file a report to that effect at the earliest preferably within a period of two weeks from the date of receipt a copy of this order. The Liquidator also submits that certain goods have been identified and the same are belonging to the Mother Dairy Fruits and Vegetable Private Limited and he is willing to handover the goods to the Mother Dairy Fruits and Vegetable Private Limited on any given date. As such, Liquidator is permitted to handover the goods to the Mother Dairy Fruits and Vegetable Private Limited. The In-Charge of Memari Police Station will also report the outcome of the investigation as order vide order dated 19.06.2023 and place before this Adjudicating Authority.

- b. Written Notes of arguments be filed within a period of seven days.
- c. Heard. **Reserved for Orders.**

**6. IA(I.B.C)/664(KB)2023:**

- a. Despite notice to release the amount as mentioned in this application in pursuance of order of this Tribunal dated 19.06.2023, none appears on behalf of the bank. The Liquidator has requested the bank for release of original Fixed Deposits but the bank has not released the same.
- b. Hence, Registry is directed to issue notice to State Bank of India, Ind. Finance Branch by way of speed post and by email and place tracking information on record.
- c. In view of the above, the State Bank of India, Ind. Finance Branch is directed to comply the order of this Tribunal and release the Fixed Deposits within a period of two weeks, failing which an appropriate order will be passed against the responsible office.
- d. The Registry is directed to send a copy of this order to the State Bank of India, Ind. Finance Branch and the applicant is also permitted *Dasti* Service of this order upon the SBI, Ind. Finance Branch.
- e. List this matter on **13.10.2023**.

**Balraj Joshi**  
**Member (Technical)**

**Bidisha Banerjee**  
**Member (Judicial)**